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Attorneys for Defendant,
LOWE'S HIW, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

JEREMIAH MILLER,

Plaintiff(s),

v.

LOWE'S, a business entity form
unknown; LOWE'S HIW, INC., a
corporation and DOES 1-100,
inclusive,

Defendant(s).

CASE NO. CV11-04909-RGK (VBKx)

(Los Angeles County Superior Court
Case No. MC022459)

[PROPOSED] REMAND ORDER

Pursuant to the parties' Stipulation for Order to Remand, this case is hereby
REMANDED to the Superior Court of California, County of Los Angeles, Case
No. MC022459.

SO ORDERED this 1st day of July, 2011.



United States District Judge

3 **PROOF OF SERVICE**

4 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

- 5 1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
6 2. My business address is 15250 Ventura Boulevard, Ninth Floor, Sherman Oaks, California 91403.
7 3. I served copies of the following documents (specify the exact title of each document served): **[PROPOSED] REMAND ORDER**
8 4. I served the documents listed above in item 3 on the following persons at the addresses listed:

10 Gerald L. Marcus, Esq.
11 Bradley S. Wallace, Esq.
12 **LAW OFFICES OF GERALD L. MARCUS**
13 23975 Park Sorrento, Suite 230
14 Calabasas, CA 91302
15 (818) 784-8544; (818) 784-5970 - Fax

16 Attorneys for Plaintiff,
17 JEREMIAH MILLER

- 18 5. a. ☐ **By personal service.** I personally delivered the documents on the date shown
19 below to the persons at the addresses listed above in item 4. (1) For a party
20 represented by an attorney, delivery was made to the attorney or at the attorney's
21 office by leaving the documents in an envelope or package clearly labeled to
22 identify the attorney being served with a receptionist or an individual in charge of
23 the office. (2) For a party delivery was made to the party or by leaving the
24 documents at the party's residence between the hours of eight in the
25 morning and six in the evening with some person not less than 18 years of age.
26 b. ☒ **By United States mail.** I enclosed the documents in a sealed envelope or
27 package addressed to the persons at the addresses in item 4 and (specify one):
28 (1) ☐ deposited the sealed envelope with the United States Postal
Service, with the postage fully prepaid on the date shown below, or
(2) ☒ placed the envelope for collection and mailing on the date shown below,
following our ordinary business practices. I am readily familiar with this
business's practice for collecting and processing correspondence for
mailing. On the same day that correspondence is placed for collection and
mailing, it is deposited in the ordinary course of business with the United
States Postal Service, in a sealed envelope with postage fully prepaid.
I am a resident or employed in the county where the mailing occurred.
The envelope or package was placed in the mail at Sherman Oaks,
California.

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- 1 c. ☐ **By overnight delivery.** I enclosed the documents on the date shown below in an
2 envelope or package provided by an overnight delivery carrier and addressed to
3 the person at the addresses in item 4. I placed the envelope or package for
4 collection and overnight delivery at an office or a regularly utilized drop box of
5 the overnight delivery carrier.
- 6 d. ☐ **By messenger service.** I served the documents on the date shown below by
7 placing them in an envelope or package addressed to the person on the addresses
8 listed in item 4 and providing them to a professional messenger service for
9 service. (A declaration by the messenger must accompany this proof of service or
10 be contained in the Declaration of Messenger below.)
- 11 e. ☐ **By fax transmission.** Based on an agreement of the parties to accept service by
12 fax transmission, I faxed the documents on the date shown below to the fax
13 numbers of the persons listed in item 4. No error was reported by the fax machine
14 that I used. A copy of the fax transmission, which I printed out, is attached.
- 15 f. ☐ **By e-mail or electronic transmission.** Based on an agreement of the parties to
16 accept service by e-mail or electronic transmission, I caused the documents to be
17 sent on the date shown below to the e-mail addresses of the persons listed in item
18 4. I did not receive within a reasonable time after the transmission any electronic
19 message or other indication that the transmission was unsuccessful.

20 ☒ I declare that I am employed in the office of a member of the bar of this Court at
21 whose direction service was made.

22 ☐ I declare that I am a member of the bar of this Court.

23 _____
24 DATE Shelli Aaronson
25 (TYPE OR PRINT NAME) _____
26 (SIGNATURE OF DECLARANT)

27 C:\Temp\notesD30550\[Proposed] Remand Order.wpd